

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ALAN BONAZZA,
Plaintiff,
v.
MUFG BANK, LTD.,
Defendant.

Case No. 23-cv-01161-JCS

**SECOND ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
DISMISSED WITH PREJUDICE**

On December 11, 2023, the Court issued an Order to Show Cause (“First OSC”) why this case should not be dismissed with prejudice due to Plaintiff’s abusive litigation practices, in violation of numerous orders and warning from this Court. Dkt. no. 99. Plaintiff’s conduct and the Court’s orders addressing that conduct are set forth in detail in the Court’s First OSC. Among other things, the Court cited Plaintiff’s practice of “sending thousands of emails to the Court and opposing counsel” that had no legitimate purpose and were unrelated to the case. *Id.* The Court vacated the First OSC after Plaintiff agreed at the OSC hearing that he would limit his emails to opposing counsel to two emails a week and would cease sending emails to the Court. *See* dkt. no. 102 (Jan. 12, 2024 minute order). A status report from Defendant filed on February 9, 2024 indicates that Plaintiff continued to send Defendant numerous irrelevant emails (in the month that had elapsed since the show cause hearing Defendant had received 34 emails), many related his efforts to purchase a house and his plan to finance it with funds he hoped to obtain by settling this case. *See* dkt. no. 105. Plaintiff also has continued to send emails unrelated to the case to the Court, in violation of the Court’s orders.

On May 6, 2024 at 10:57 pm, Plaintiff sent an email to the undersigned magistrate judge stating:

Dear Magistrate,

If im being honest, I think it's a disgrace that you're letting a foreign country clown America by not allowing me to win timely and decisively. Ryan Reynolds is out here doing a victory lap because he knows this country is weak.

Two minutes later, he sent the Court another email stating: “You let everyone get away with murder so that you can block homeownership for someone who deserves it. Why?”

On May 7, 2024 at 2:01 a.m. Pacific Time, Plaintiff sent the Court an email with the caption, “Disgraceful,” stating: “I did my job. The question is will you.” At 3:01 pm that same day, Plaintiff sent the Court an email entitled “Where is my f***ing opinion.” On this email, Plaintiff also copied defense counsel and an individual who is Defendant’s Controller and Chief Accounting Officer. (The Court notes that at the time this email was sent there were no pending motions in this case except the recently filed motion for a protective order, discussed below.)

On May 10, 2024, Defendant filed a Motion for Protective Order. Dkt. no. 106. The supporting declaration of counsel describes Plaintiff’s ongoing practice of sending irrelevant and harassing emails, including to employees of Defendant, and Plaintiff’s repeated statements in his deposition and in his emails that he is only pursuing this action so he can buy a house. *See* dkt. no. 106-2. According to counsel, he has repeatedly asked Plaintiff to stop engaging in this conduct but to no avail.

In light of Plaintiff’s ongoing abusive and harassing conduct, despite repeated warnings and explicit orders from the Court and requests from counsel to cease such conduct, Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed with prejudice.

Plaintiff may file a written response, not to exceed ten (10) pages by June 14, 2024. Defendant may also file a response addressing whether terminating sanctions are appropriate under the facts of this case. A show cause hearing will be conducted in conjunction with the hearing on Defendant’s Motion For Protective Order on August 2, 2024 at 9:30 a.m. via Zoom webinar (id. 161 926 0804 password 050855). The dispositive motions hearing currently scheduled for August 2, 2024 is vacated. If appropriate, the Court will set a new hearing and briefing dates after it decides whether this case should be dismissed.

IT IS SO ORDERED.

Dated: May 30, 2024


JOSEPH C. SPERO
United States Magistrate Judge